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**New York**  
By Appointment Only

January 29, 2024

**VIA ECF**

Hon. Jennifer H. Rearden  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**RE: Bradberry v. Abercrombie & Fitch Co., et al., No. 1:23-cv-9440 (SDNY)**

Judge Rearden,

On January 19, 2024, all four Defendants in this action filed separate Motions to Dismiss Plaintiff's Complaint. On January 22, 2024, this Court entered a briefing schedule requiring Plaintiff to amend his complaint or file any opposition by February 9, 2024. On January 26, 2024, Defendants Michael S. Jeffries, Matthew Smith, and the Jeffries Family Office filed a joint Motion to Stay this Action pursuant to 18 U.S.C. 1595(b), seeking to stay pending resolution of the criminal action [DE 54].

While Plaintiff opposes Defendants' request to stay for a multitude of reasons which will be addressed in Plaintiff's forthcoming memorandum of law in opposition, the undersigned files this letter motion requesting relief from the current briefing schedule pending the Court's ruling on the Motion to Stay. As indicated in the Court's January 22, 2024 Order, "Plaintiff will not be

given any further opportunity to amend the complaint to address issues raised by the motions to dismiss,” after the currently set February 9 deadline. It is Plaintiff’s position that should the Court grant Defendants’ request to stay for any period of time, it would prejudice him to be required to amend his Complaint with finality, or otherwise respond, prior to an inherently indefinite stay.

Consequently, Plaintiff requests that the Court set a new briefing schedule on the Motions to Dismiss subsequent to or contemporaneously with the Court’s determination on the pending Motion to Stay.

Plaintiff has not previously made any requests for adjournment or extensions of time. Furthermore, Plaintiff has conferred with Defendants regarding this request. Defendants Jeffries, Smith, and the Jeffries Family Office do not oppose Plaintiff’s request. Defendant Abercrombie takes no position.

Respectfully Submitted,

/s/ Brittany Henderson

Brittany Henderson  
Bradley Edwards  
Dean Kaire

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